

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT HUBER,

Plaintiff,

v.

Case No. 10-C-435

WARDEN JEFF PUGH,

Defendant.

ORDER

Petitioner Robert Huber has filed a “Motion for Relief From a Void Judgment” pursuant to Wis. Stats. § 806.07. This motion is in addition to Huber’s petition for habeas corpus wherein he seeks a determination by the Court that his current custody is in violation of his constitutional rights. The Motion for Relief From a Void Judgment will be denied.

The reason for the denial is that § 806.07 is a Wisconsin procedural statute that does not apply to proceedings in federal court. If in fact, as he alleges, Huber is being held in violation of his constitutional rights and has not procedurally defaulted on his right to seek relief in federal court, an appropriate order for relief will be entered. However, §806.07 has no application in this proceeding. Accordingly, the motion is DENIED.

Respondent’s motion for an extension of time to file the Answer to the petition is GRANTED nunc pro tunc, as the Answer has been filed as of December 1, 2010. Petitioner

indicates that he is prepared to file his brief in support of his petition and said brief will be due on or before March 1. A response will be due 30 days thereafter and the reply 21 days after that.

SO ORDERED this 14th day of February, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge